

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 5-8, 10, 12 and 13 are pending in the present application. Claims 5, 7, 12 and 13 are amended and Claims 1-4, 9 and 11 are cancelled by the present amendment.

Claim amendments find support in the application as originally filed, thus, no new matter is added.

In the outstanding Office Action, Claims 1-4 and 9 were rejected under 35 U.S.C. §102(b) as anticipated by Kaewell, Jr. (U.S. Pat. No. 6,256,339, herein "Kaewell"); Claim 11 was rejected under 35 U.S.C. §103(a) as unpatentable over Kaewell in view of Imai et al. (in "A New Multilevel Coding Method Using Error-Correcting Codes", IEEE Transactions on Information Theory, Vol. IT-23, No.3, pp. 371-377, May 1977, herein "Imai"); and Claims 5-8, 10, 12 and 13 were objected to as dependent upon a rejected base claim but would be allowable if rewritten in independent form.

Initially, Applicants gratefully acknowledge the early indication of the allowable subject matter in Claims 5-8, 10, 12 and 13.

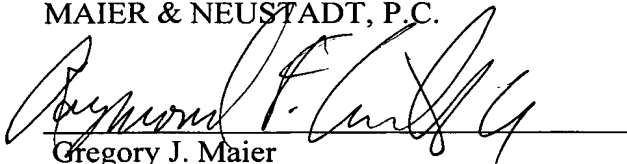
Accordingly, Applicants have cancelled Claims 1-4, 9 and 11 and have amended Claims 5, 7, 12 and 13 to rewrite the claims into independent form including all of the limitations of the base Claim 1.

Thus, the §102 rejection of Claims 1-4 and 9 as anticipated by Kaewell and the §103 rejection of Claim 11 as unpatentable over Kaewell and Imai are submitted to be moot.

Consequently, in light of the above discussion and in view of the present amendment, the application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Gregory J. Maier", is written over a horizontal line.

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